IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side

Writ Petition No.l835 of 2005

M/s Swan Mills Ltd Mumbai ..Petitioner
vs
Sarjerao Ramchandra and ors...Respondents

Mr V P Vaidya for petitioner

CORAM: A.P.SHAH J.

Dated l7.l0.2005

P.C:

. Heard learned counsel for the petitioner. Perused the orders of the labour court and industrial court. The labour court has held that the finding of the enquiry officer was not proper and legal and the petitioner company was given opportunity to prove the misconduct by leading evidence in court. The petitioner examined two witnesses to prove the charges of theft against the workman. The first witness was one Mohan Acharya who admitted that he had no personal knowledge about the incident and he has deposed on the basis of the inquiry report and police statement. The second witness Shivsagar Dixit deposed that when he checked the lorry and the cleaner Rangrao, he found two printed sarees in his pocket. On being interrogated Rangrao stated that the sarees were

given to him by the workman. Rangrao has not been examined by the management of the company. It is pertinent to note that the workman had made an application calling for the inquiry proceedings against Rangrao. According to the workman Rangrao had also denied all the allegations made against himself as well as the workman. The application was opposed by the management and consequently rejected by the inquiry officer. Though the company had made serious allegation of commission of theft by the workman it had not lodged any complaint to the police. The labour court has scanned the evidence of the witnesses and has arrived at the finding from the evidence of the witnesses examined on behalf of the company that the charge of theft has not been proved. The labour court has, however, awarded compensation of Rs. l lac in lieu of reinstatement. The order of the labour court has been confirmed by the industrial court. I do not find any reason to interfere with the concurrent findings of fact recorded by the courts ‘ below. Petition is dismissed.